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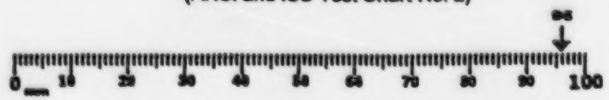

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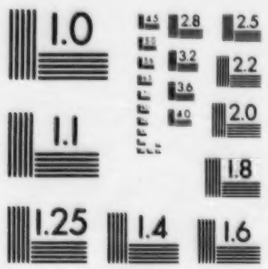

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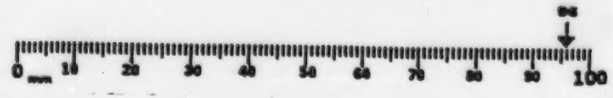

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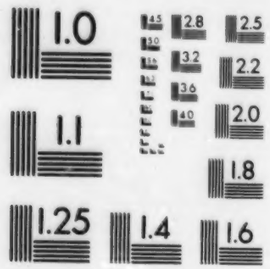

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Law Reform Commission

Thirty-first
Annual Report
2001-2002

102-06158/

Manitoba

Law Reform Commission

Commission de réforme du droit

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CANADA

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THIRTY FIRST ANNUAL REPORT

2001-2002

March 31, 2002

The Manitoba Law Reform Commission was established by *The Law Reform Commission Act* in 1970 and began functioning in 1971.

Commissioners:

Clifford H.C. Edwards, Q.C., President
John C. Irvine
Hon. Mr. Justice Gerald O. Jewers
Hon. Pearl K. McGonigal
Kathleen C. Murphy

Legal Counsel:

Sandra D. Phillips

Administrator:

Suzanne Pelletier

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Website: http://www.gov.mb.ca/justice/mlrc

The Manitoba Law Reform Commission is funded by grants from:

The Government of Manitoba

and

The Manitoba Law Foundation

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THE COMMISSION'S MANDATE

The Manitoba Law Reform Commission is an independent agency of the Government of Manitoba established by *The Law Reform Commission Act*. The Commission's duties are to inquire into and consider any matter relating to law in Manitoba with a view to making recommendations for the improvement, modernization and reform of law, including:

- the removal of provisions of the law which are outdated or inconsistent;
- the maintenance and improvement of the administration of justice;
- the review of judicial and quasi-judicial procedures under any Act; and
- the development of new approaches to and new concepts of law in keeping with and responsive to the changing needs of society and of individual members of society.

MANDAT DE LA COMMISSION

La Commission de réforme du droit du Manitoba est un organisme indépendant du gouvernement du Manitoba, établi en vertu de la *Loi sur la Commission de réforme du droit*. La Commission a pour fonctions de faire enquête sur les questions se rapportant au droit manitobain et de les étudier en vue de faire des recommandations pour améliorer, moderniser et réformer le droit, et notamment en vue:

- de supprimer les dispositions du droit qui sont désuètes ou incompatibles;
- de soutenir et d'améliorer l'administration de la justice;
- d'examiner les procédures judiciaires et quasi-judiciaires prévues par une loi quelconque;
- d'élaborer de nouvelles méthodes et de nouveaux concepts de droit correspondant à l'évolution des besoins de la société.

PART I

INTRODUCTION

A Message from the President, Clifford H.C. Edwards, Q.C.

In that most challenging and thought-provoking book entitled *Law Reform Now*, edited by Dr. Andrew Martin and Lord Gardiner (which led, in effect, to the formation of Law Reform Commissions in Britain and throughout the Commonwealth), the first chapter opens with these words:

> We think we are justified in treating as axiomatic the proposition that much of our law is out of date and some of it shockingly so. The fact that this view is shared by the overwhelming part of the legal profession is significant; for taken as a whole no profession could be more conservative.[1]

In spite of all the work of Law Reform Commissions over nearly 40 years, it is unfortunately true that much of our law is still out of date and the public at large continues to be frustrated by laws and a legal system which so often fails to meet its needs in modern-day society. We in the legal profession and in the Law Reform Commission, in particular, recognize that we are always playing the impossible game of catch-up. Very much continues to depend on the will of governments at large and the resources they are prepared to make available to this challenging task. In this Province, I am happy to say that we do have a government which does have a will for law reform but, unfortunately, in these times of so many demands on the public purse, the funds needed are often lacking. Happily, some of this lack of resources has been met and is being met by The Manitoba Law Foundation which has shown real interest in law reform and for this the Commission owes it a great debt of gratitude.

In addition, there is continuing interest, cooperation and moral support by the legal profession in all aspects of the work which we undertake.

Thus, as we look to the future of law reform in Manitoba, we are daunted by the tasks which lie ahead of us and the comparative lack of apparent resources to meet these tasks. We are, however, encouraged to continue in this work by the underlying support both financial and moral which we derive from the Government, the Law Foundation and the legal profession at large.

---

[1]Dr. Andrew Martin and Lord Gerald Gardiner, *Law Reform Now* (1963) 1.

PART II

THE YEAR IN REVIEW

April 1, 2001 to March 31, 2002

1. REPORTS ISSUED

#107 - Good Faith and The Individual Contract of Employment - December 2001

In this Report, the Commission reviews the case law following the 1997 decision of the Supreme Court of Canada in *Wallace* v. *United Grain Growers Ltd.* The Commission is concerned that the *Wallace* decision may have resulted in uncertainty and unfairness in the law of employment and it has made 10 recommendations which, if implemented, will extend and clarify the obligation to act in good faith and create appropriate remedies for a breach of the obligation. The Executive Summary of the Report can be found at the Commission's website: http://www.gov.mb.ca/justice/mlrc

2. IMPLEMENTATION

Although only one Report was submitted to Minister during the past year, it does not mean that the Commission has been idle. In fact, since its establishment in 1970, the Commission has issued 146 Reports (107 formal and 39 informal) of which over 75% have been implemented. Although no reports were implemented in the past year, we understand that legislation will be introduced at the current session dealing with class proceedings (#100, 1999), elder abuse (#103, 1999), and assessment of damages under *The Fatal Accidents Act* (#105, 2000). The Report on *The Legislative Assembly and Conflict of Interest* (#106, 2000) is also receiving serious consideration. We believe that there is a desire to achieve an all party agreement before introducing any legislation.

Two of our other Reports have been referred to the appropriate Ministers for consideration: the Report on *Compensation for Vaccine-damaged Children* (#104, 2000) to the Department of Health and the Report on *Good Faith and the Individual Contract of Employment* (Report #107, 2001) to the Department of Labour. The Minister of Intergovernment Affairs is also giving consideration to the implementation of one of our informal reports dealing with *The Local Authorities Election Act* (#24A, 1994).

3. CURRENT PROJECTS

Wills and Succession

Work on this project is continuing. Following several meetings with Prof. Cameron Harvey, from whom the project emanated, and policy decisions being made by the Commission, it has become apparent that it will be necessary to prepare "draft" legislation. We believe it will provide the Minister and his Department, as well as all our readers, with a better understanding of what the Commission is attempting to achieve.

Do-not-resuscitate Orders

This new project was undertaken shortly after the hiring of our Legal Counsel, Sandra Phillips, last August. The project will include a review of the law and medical-legal literature relating to the withholding or withdrawing of life-sustaining treatment. A Discussion Paper is being prepared and should be released early in the fiscal new year. It will seek input from health care providers, patient advocate organizations and other interested individuals or groups.

Substitute Health Care Decision Making

This project is the second phase of the DNR project above. It will encompass a review of the law and practice relating to consent for medical treatment for incompetent and incapacitated persons who have not made an advance directive or designated a proxy under *The Health Care Directives Act*.

On May 1, 2001, the Minister requested that the Commission undertake a review of, and provide recommendations on, the issue of the limitation periods under *The Limitation of Actions Act* in cases of sexual or physical assault. We were asked to provide the Minister with a proposal of the time and costs required to undertake such a study. Two individuals engaged on other projects for the Commission expressed interest in this project and, based on an estimate of the time required, we requested a project grant of $15,000. Approval was received in August and funds received from the Department of Family Services and Housing and Aboriginal and Northern Affairs on October 1, 2001. Prof. Phillip Osborne was retained and began his preliminary research immediately. However, the project was discontinued on October 25, 2001 when we were advised by the Minister that the government had taken a decision to proceed immediately with legislative amendments. After payment of $500 to Prof. Osborne, the remainder of the grant was returned to the Department of Family Services.

In addition to the above, we have suggested to the Minister that the time may be right to undertake a project on the use of cell phones in automobiles. Undertaking such a project would require project funding and we are awaiting the government's response to our proposal before proceeding. If approved, work would commence as soon as funds are available.

PART III

ADMINISTRATION

1. THE COMMISSIONERS

No changes have been made to the membership of the Commission. The members are:

Commissioner	Affiliation	Term expires
Clifford H.C. Edwards	Dean Emeritus, Faculty of Law, University of Manitoba	May 9, 2002
John C. Irvine	Professor, Faculty of Law, University of Manitoba	May 9, 2003
Gerald O. Jewers	Justice, Court of Queen's Bench	May 9, 2002
Pearl K. McGonigal	Non-lawyer	May 9, 2001
Kathleen C. Murphy	Practising lawyer	May 9, 2003

Prof. Edwards is the President of the Commission.

Although Mrs. McGonigal's term expired on May 9, 2001, she continued to serve for the remainder of the year and will continue to do so until her replacement has been appointed. We understand that such an appointment will be made early in the new fiscal year.

2. STAFF

Since 1997, the Commission has kept its operations going through the hiring of outside consultants and a part-time administrator. In August of 2001, we were fortunate in being able to retain the services of a full time legal counsel, Sandra D. Phillips. This was made possible through the increased grant from the Manitoba Law Foundation. The addition of "in house" counsel should greatly assist the Commission in undertaking new projects and providing much needed research support to our outside consultants. Sandra is a graduate of Osgoode Hall, York University (LL.B. 1989) and was called to the Manitoba Bar in 1990. After articling and practising with Taylor McCaffrey from 1989-1992, she joined McCandless and Associates to practise municipal law. She has been assigned the "Do Not Resuscitate Orders" (DNR) and substitute consent projects and is currently preparing a discussion paper on the withdrawal and

withholding of treatment; the paper will be issued early in the new fiscal year.

Suzanne Pelletier continues to work part-time as the Commission's administrator and we are deeply indebted to her for her dedication to the work of the Commission of which she is an essential part.

We hope that sometime in the near future, positions with the Commission will again be considered as permanent full time with the staff being entitled to all civil service benefits. Although employing individuals on a contract basis has some benefits, they are far outweighed by those of permanent status as government employees, e.g. job security.

3. CONSULTANTS

We are again indebted to Prof. Philip P. Osborne, Faculty of Law, University of Manitoba, for his expertise and the many hours of consultation and writing required to complete our project on wrongful dismissal. The Report, entitled *Good Faith and the Individual Contract of Employment* was submitted to the Minister in mid-December and released to the public in January 2002. He also did preliminary research on the limitation of actions project noted above.

We also wish to thank Prof. Cameron Harvey, Faculty of Law, University of Manitoba, who initiated the project on wills and succession. He and Jonathan Penner, an independent researcher, continued the work on the project and prepared drafts of a report for the Commission's consideration. Prof. Harvey met with the Commission on several occasions to advise on the proposed recommendations. Mr. Penner's participation was via e-mail as he is not resident in Manitoba. As noted above, in reviewing the draft report, the Commission was of the view that it would be helpful to include draft legislation in the final Report; this task will be assigned to Mr. Penner once the recommendations have been finalized.

4. FINANCE

The Department of Justice grant for the year 2000-2001 was again increased from $55,000 to $60,000. In addition, we received $15,000 from the Department of Family Services for the limitation of actions project referred to us by the Minister of Justice. However, due to the government's decision to proceed with legislation without the study, $14,500 was returned to Family Services and $500 was paid to Prof. Osborne to defray the cost of his initial research on the project. The rental of our premises continues to be absorbed from within the Department as well. As in previous years, we continue to discuss the issue of reinstating the Commission's financial position on a more permanent basis.

The Manitoba Law Foundation has again come to our rescue by increasing their grant from $50,000 to $65,000. We have also received confirmation that our request for a grant of

$100,000 for the 2002-2003 fiscal year has been approved. The support of the Foundation since 1999 has been overwhelming and is very much appreciated. Their grants have increased more than three-fold from $30,000 to $100,000 in a four year span. If it were not for this continued assistance, the Commission would have had to close its doors some time ago.

In addition, in January 2002, the Foundation agreed to make its last installment of the 2001-2002 grant in advance in order for the Commission to meet its commitments to the end of the fiscal year. As will be seen in the financial statement contained in Appendix A, the surplus carried forward at the end of the fiscal year was a mere $3,100. Needless to say, if we had not received this last payment of $32,500 we would have incurred a deficit of close to $30,000.

5. PUBLIC RELATIONS

Following the release of our Report on *Good Faith and the Individual Contract of Employment* in January 2002, the President was interviewed by the Winnipeg Free Press, the Winnipeg Sun, CBC and CJOB radio stations.

We continue to maintain working relationships with other law reform agencies in Canada and throughout the Commonwealth. Articles on the Commission's activities also appear in *Headnotes and Footnotes* and *Reform* (publications of the Manitoba Bar Association and the Australian Law Reform Commission, respectively).

During the past year, two articles on earlier Commission reports have also come to our attention: G. Yaron, "The Responsible Pension Trustee: Re-interpreting the principles of prudence and loyalty in the context of socially responsible institutional investing", *Estates, Trusts and Pensions Journal*, Vol. 20 [2001] 305 [Report on *Trustee Investments: The Modern Portfolio Theory*, #101, 1999], and "Ideological Plaintiffs and Class Actions - An Australian Perspective", U.B.C.L.R., Vol. 34:2 [2001] 459 [Report on *Class Proceedings*, #100, 1999]

The last issue of the *Manitoba Law Journal* (2001) Vol. 28 No. 2 (special edition), also contains several articles which make reference to the Manitoba Law Reform Commission. Particularly gratifying was the article entitled "Draftstoevsky", an interview with Norm Larsen, retired draftperson with the Manitoba Department of Justice, in which he is quoted as saying:

> A drafter is always delighted to have instructions that include drafts from other provinces, even if the bill is to be different in some ways. Incidentally, speaking of instructions, the best I ever had were in the reports of the Law Reform Commission. I recall a report on family law that was so beautifully laid out as to what the legislation say - and *why* - that it was a pleasure for my colleagues and I to draft it. [at p. 207]

Thank you Norm.

PART IV

CONCLUSION

We wish to thank our staff and consultants for their work during the past year. Their research and insight on how best to improve the laws of Manitoba and their ability to express it in written form easily understandable by the average citizen are, we believe, the reason for the continuing implementation of our recommendations.

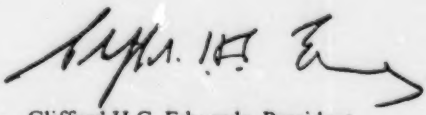
Also, over the past year, we have noticed a growing interest in the work of the Commission by members of the public and the legal profession. We received several telephone calls asking for copies of earlier reports or making suggestions for possible changes in the law. Although we wish that some of those projects could be undertaken, many are beyond the scope of our mandate or cannot be accomplished given our limited resources.

We also wish to thank the staff of the Administration and Finance Branch and the Library of the Department of Justice who continue to administer our trust account. The assistance we receive from the librarians in the Department of Justice, the Provincial Archives and Legislative Library, the E.K. Williams Library and the Faculty of Law is also most appreciated.

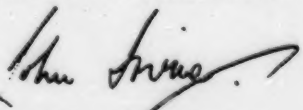
The financial and moral support we have received from the Manitoba Law Foundation and, in particular, its chair, Richard Swystun, are very much appreciated. Our task would be a daunting, if not impossible, one without their support.

Finally, we wish to thank the Assistant Deputy Minister, Tom Hague, the Deputy Minister, Bruce MacFarlane, and last, but not least, the Minister, the Hon. Gord Mackintosh, for their assistance and understanding during the past year.

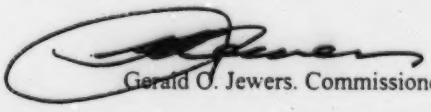
This is a report pursuant to section 15 of *The Law Reform Commission Act*, C.C.S.M. L95, dated this 31st day of March 2002.



Clifford H.C. Edwards, President

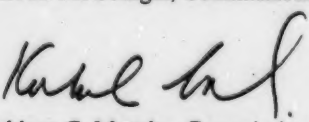


John C. Irvine, Commissioner



Gerald O. Jewers. Commissioner

Pearl K. McGonigal, Commissioner



Kathleen C. Murphy, Commissioner

APPENDIX A

Statement of Receipts and Expenditures 2001-2002 Fiscal Year (000's)

RECEIPTS

Funds carried forward	17.1[2]
Grant from Justice Department	60.0
Project funding grants from Justice Department	0.5
Manitoba Law Foundation Grant	65.0
Total	**142.6**

EXPENDITURES

Commissioners' remuneration & benefits	41.1
Legal counsel's remuneration	36.6
Administrator's remuneration	26.0
Consultants	16.9
Student	3.0
Telephone, fax, postage, courier	3.0
Supplies & services	0.9
Printing and photocopying	3.6
Computer related expenses	7.2
Meetings, travel and accommodation	0.2
Subscriptions and other operating	1.0
Total	**139.5**
Surplus(Deficit)	**3.1**

[2]This includes the last payment of the Manitoba Law Foundation grant of $12.5 which was received in early April 2001

APPENDIX B

REPORTS OF THE MANITOBA LAW REFORM COMMISSION AND THEIR IMPLEMENTATION

Report #	Title	Date	Implementation of Commission's Recommendations
#1	Jury Services for Registered Indians	April 7, 1971	An Act to Amend The Jury Act, S.M. 1971, c. 32
#2	Summary Disposition of Builders' and Workmen's Liens	April 13, 1971	An Act to Amend The Builders and Workmen Act, S.M. 1976, c. 22
#3	Disposition of Maintenance Judgments in Land Titles Offices	May 25, 1971	An Act to Amend The Judgments Act, S.M. 1972, c. 4
#4	An Act Respecting Billiard and Pool Rooms proposed repeal	October 19, 1971	The Statute Law Amendment Act (1974), S.M. 1974, c. 59 (s. 8)
#5	Recommended Right of Mortgagors to Obtain Annual Statements	October 19, 1971	An Act to Amend The Mortgage Act, S.M. 1971, c. 28
#6	Enactment of a Mineral Declaratory Act	December 20, 1971	The Sand and Gravel Act, S.M. 1972, c. 34 An Act to Amend The Mines Act, S.M. 1972, c. 70 (s. 11) An Act to Amend The Real Property Act, S.M. 1972, c. 70 (ss. 15 and 16)
#7	Powers of Entry, Search and Seizure in The City of Winnipeg Act	January 24, 1972	An Act to Amend The City of Winnipeg Act, S.M. 1972, c. 93 (ss. 26, 37, 68, 69, 89 and in part ss. 38, 39 and 63)
1A	Auto Engine Numbers in Section 11 of The Bills of Sale Act	May 11, 1971	The Statute Law Amendment Act, S.M. 1972, c. 81 (s. 3)
1B	(a) Prospect of Mortgagor's Relief from Provisions of Section 20(6) of The Mortgage Act	December 29, 1971	(change not recommended)
	(b) Right to Have Mortgage Discharged Upon Payment in Full After Five Years	December 29, 1971	An Act to Amend The Real Property Act, S.M. 1972, c. 37 (s. 103(1))

Report #	Title	Date	Implementation of Commission's Recommendations
1C	Amending provisions as to costs in Part II of The County Courts Act to avoid inconsistency with intent of this new legislation	January 12, 1972	An act to Amend The County Courts Act, S.M. 1972, c. 38
	First Annual Report	March 13, 1972	(not applicable)
#8	Section 45 of the Offenses Against the Person Act, 1861	July 27, 1972	An Act to Amend The Tortfeasors and Contributory Negligence Act, S.M. 1973, c. 13
#9	A Review of The Privacy Act with proposed Amendments to the Criminal Code of Canada	September 11, 1972	(change not recommended)
#10	The Abolition of Interspousal Immunity in Tort	December 19, 1972	An Act to Amend The Married Women's Property Act, S.M. 1973, c. 12; An Act to Amend The Tortfeasors and Contributory Negligence Act, S.M. 1973, c. 13; An Act to Amend The Criminal Injuries Compensation Act, S.M. 1973, c. 23
2A	Comments on draft Bill to Amend The Jury Act	April 21, 1972	An Act to Amend The Jury Act, S.M. 1972, c. 56
2B	Relaxation of Limit of Number of Trustees under The Trustee Act	June 22, 1972	An Act to Amend The Trustee Act, S.M. 1972, c. 60
2C	Uniformity of Definition of Age as between The Age of Majority Act (Man.) And the Criminal Code and the Interpretation Act (Can.)	August 14, 1972	(not applicable for provincial amendment)
2D	Automatic Attachment of Wages for Maintenance Orders	November 27, 1972	An Act to Amend The Garnishment Act, S.M. 1974, c. 8
	Second Annual Report	March 20, 1973	(not applicable)
#11	The Advisability of a Good Samaritan Law	March 8, 1973	(change not recommended)
#12	Section 110 of The Real Property Act - the immortal Manitoba mortgage	April 11, 1973	An Act to Amend The Real Property Act, S.M. 1974, c. 44
#13	Pre-licensing Education for Real Estate Agents in Manitoba	December 3, 1973	An Act to Amend The Real Estate Brokers Act, S.M. 1975, c. 23

Report #	Title	Date	Implementation of Commission's Recommendations
#14	Special Enduring Powers of Attorney	January 8, 1974	The Powers of Attorney Act, S.M. 1980, c. 4
#15	Administration of Justice Part I - Control of Post-arrest/pre-trial detention	February 26, 1974	Administration of the Public Safety Building in Winnipeg assumed by the Province of Manitoba, effective October 1, 1977; now called The Winnipeg Remand Centre
3A	Conferring of matrimonial jurisdiction upon a County Court Judge as a local Judge of The Queen's Bench within the Eastern Judicial District	March 30, 1973	An Act to Amend The Queen's Bench Act, S.M. 1978, c. 28
3B	Correcting recent error in s. 51 of The Queen's Bench Act	September 26, 1973	An Act to Amend The Queen's Bench Act, S.M. 1974, c. 15
3C	Conferring jurisdiction to extend time for payment of fines upon provincial judges other than those who imposed such fines	October 16, 1973	(not applicable for provincial enactment)
3D	Up-dating index to Statutes of Manitoba	October 23, 1973	Indexing commenced; computer search of statutes available
3E	Repeal of Section 212 of The Liquor Control Act	December 19, 1973	Substantial acceptance under s. 16 of An Act to Amend The Liquor Control Act, S.M. 1974, c. 63
	Third Annual Report	April 1, 1974	(not applicable)
#16	Definition of Death	May 6, 1974	An Act to Amend The Vital Statistics Act, S.M. 1975, c. 5
#17	An International Form of Wills for Manitobans	May 6, 1974	An Act to Amend The Wills Act, S.M. 1975, c. 6
#18	The Rule in Saunders v. Vautier	January 8, 1975	An Act to Amend The Trustee Act, S.M. 1982-83-84, c. 38 (s. 4)
#19	The Administration of Justice in Manitoba Part II - Review of The Jury System	February 11, 1975	An Act to Amend The Jury Act, S.M. 1977, c. 18
4A	Interprovincial Subpoenas	January 27, 1975	The Interprovincial Subpoena Act, S.M. 1975, c. 3

Report #	Title	Date	Implementation of Commission's Recommendations
4B	Enforcement of Custody Orders	January 27, 1975	The Extra-Provincial Custody Orders Enforcement Act, S.M. 1975, c. 4
4C	Statutory Sums	February 11, 1975	Various amendments to Manitoba statutes
	Fourth Annual Report	April 9, 1975	(not applicable)
#20	The Highway Traffic Act	June 16, 1975	An Act to Amend The Highway Traffic Act, S.M. 1977, c. 34 An Act to Amend The Highway Traffic Act and The Tortfeasors and Contributory Negligence Act, S.M. 1980, c. 19
#21	The Administration of Justice in Manitoba Part III - Consolidation of Extra-Provincial Judgment Enforcement	January 28, 1976	-
#22	Some Aspects of Fire Insurance Legislation in Manitoba	February 9, 1976	An Act to Amend The Insurance Act, S.M. 1982, c. 11 (s. 1)
#23	Family Law - Part I The Support Obligation	February 27, 1976	The Family Maintenance Act, S.M. 1978, c. 25
#24	Family Law - Part II Property Disposition	February 27, 1976	An Act to Amend The Gift Tax Act (Manitoba) and The Succession Duty Act (Manitoba), S.M. 1977 (2nd Session), c. 2 The Marital Property Act, S.M. 1978, c. 24 An Act to Amend various Acts relating to Marital Property, S.M. 1978, c. 27 An Act to Amend The Wills Act, S.M. 1980, c. 7
5A	Limitation of Actions for the taking away, conversion or detention of chattels	May 26, 1975	An Act to Amend The Fatal Accidents Act and Limitation of Actions Act, S.M. 1976, c. 41 (ss. 2-4)
	Fifth Annual Report	March 29, 1976	(not applicable)

Report #	Title	Date	Implementation of Commission's Recommendations
#25	The Case for a Provincial Bill of Rights	May 19, 1976	-
#26	Revision of Birth Certificates of Trans-sexual Persons	September 13, 1976	The Vital Statistics Act, S.M. 1982-83-84, c. 58
	Sixth Annual Report	March 14, 1977	(not applicable)
7A	The Local Authorities Election Act	May 31, 1977	An Act to Amend The Local Authorities Election Act, S.M. 1980, c. 48
	Seventh Annual Report	March 1, 1978	(not applicable)
#27	Limitation of Actions: Time Extensions for Children, Disabled Persons and Others	January 8, 1979	An Act to Amend The Limitation of Actions Act, S.M. 1980, c. 28
#28	Enforcement of Judgments Part I: Exemptions under The Garnishment Act	January 8, 1979	An Act to Amend The Garnishment Act, S.M. 1979, c. 8
#29	Emergency Apprehension, Admissions and Rights of Patients under The Mental Health Act	February 12, 1979	An Act to Amend The Mental Health Act, S.M. 1980, c. 62
#30	Confidentiality of Adoption Records	February 12, 1979	An Act to Amend The Child Welfare Act, S.M. 1979, c. 22 (s. 60) An Act to Amend The Child Welfare Act, S.M. 1980, c. 41 Establishment of a Post-adoption Registry
8A	Section 5(1) of The Social Allowances Act	March 30, 1978	The Statute Law Amendment Act (1984), S.M. 1984, c. 17
	Eighth Annual Report	February 12, 1979	(not applicable)
#31	Political Financing and Election Expenses	August 13, 1979	The Elections Finances Act, S.M. 1980, c. 68
#32	Mechanics' Liens Legislation	August 13, 1979	The Builders' Liens Act, S.M. 1980-81, c. 7
#33	Enforcement of Revenue Statutes	August 13, 1979	The Charter Compliance Statute Amendment Act, S.M. 1985, c. 50

Report #	Title	Date	Implementation of Commission's Recommendations
#34	Enforcement of Judgments Part III: Exemptions under The Executions Act	October 22, 1979	An Act to Amend The Executions Act, S.M. 1980, c. 55
#35	Estate Claims for Loss of Expectation of Life	October 22, 1979	An Act to Amend The Fatal Accidents Act and The Trustee Act, S.M. 1980, c. 5
#36	Improved Methods of Enforcing Support Orders Against Real Property	November 19, 1979	The Family Law Amendment Act, S.M. 1980, c. 54
#37	Systems of Voter Registration	November 26, 1979	The Elections Act, S.M. 1980, c. 67
#38	The One Year Rule for Enforcement of Arrears in Maintenance	January 21, 1980	An Act to Amend The Family Maintenance Act and The Queen's Bench Act, S.M. 1980, c. 21
9A	The Fire Departments Arbitration Act	April 17, 1979	An Act to Amend The Fire Departments Arbitration Act, S.M. 1980, c. 27
9B	Section 7 of The Payment of Wages Act	August 15, 1979	An Act to Amend The Payment of Wages Act, S.M. 1980, c. 57
9C	The Seduction Act	October 22, 1979	The Equality of Status Act, S.M. 1982, c. 10
9D	Section 9 of The Manitoba Evidence Act	November 6, 1979	An Act to Amend The Manitoba Evidence Act, S.M. 1980, c. 26
9E	The Wills Act and Ademption	November 20, 1979	An Act to Amend The Wills Act, S.M. 1980, c. 7
9F	The term "illegitimate"	December 4, 1979	(change not recommended)
	Ninth Annual Report	February 25, 1980	(not applicable)
#39	Controverted Elections	April 21, 1980	-
#40	Enforcement of Judgments Part II: Exemptions under The Judgments Act	April 21, 1980	-
#41	The Statute of Frauds	August 11, 1980	An Act to repeal the Statute of Frauds, S.M. 1982-83-84, c. 34
#42	Occupiers' Liability	August 11, 1980	The Occupiers' Liability Act, S.M. 1982-83-84, c. 29; The Statute Law Amendment Act (1984), S.M. 1984, c. 17 (s. 28)

Report #	Title	Date	Implementation of Commission's Recommendations
#43	The Wills Act and the Doctrine of Substantial Compliance	September 8, 1980	The Wills Act, S.M. 1982-83-84, c. 31
#44	The General Register	September 22, 1980	The Real Property Act and Various Other Acts Amendments Act, S.M. 1987, c. 27
#45	Simplified Mortgage	December 15, 1980	(legislative amendment not required)
10A	Municipal Assessment of Personal Property	February 26, 1980	(referred to Special Committee)
10B	The Marriage Settlement Act	October 9, 1980	The Statute Law Amendment Act, S.M. 1980-81, c. 26 (s. 22)
	Tenth Annual Report	February 16, 1981	(not applicable)
#46	Conflict of Interest of Municipal Councillors	April 14, 1981	The Municipal Conflict of Interest Act, S.M. 1982-83-84, c. 44
#47	Prejudgment Compensation on Money Awards: Alternatives to Interest	January 4, 1982	The Judgment Interest and Discount Act, S.M. 1986, c. 39 (implemented in principle) (now contained in Part XIV of The Court of Queen's Bench Act)
#48	Prescriptive Easements and Profits-à-prendre	January 18, 1982	-
#49	The Rules Against Accumulations and Perpetuities	February 12, 1982	The Perpetuities and Accumulations Act, S.M. 1982-83-84, c. 43
#50	Investment Provisions under The Trustee Act	February 12, 1982	An Act to Amend The Trustee Act, S.M. 1982-83-84, c. 38
11A	Parents' Maintenance Legislation	March 3, 1981	The Parents' Maintenance Act, S.M. 1985-86, c. 47, s. 34
11B	Provincial Offences Procedures	June 29, 1981	An Act to Amend The Summary Convictions Act, S.M. 1982, c. 24
11C	The Remembrance Day Act	January 28, 1982	-
	Eleventh Annual Report	February 14, 1982	(not applicable)
#51	The Survivorship Act	September 7, 1982	The Survivorship Act, S.M. 1982-83-84, c. 28

Report #	Title	Date	Implementation of Commission's Recommendations
#52	Structure of the Courts, Part I: Amalgamation of the Court of Queen's Bench and the County Courts of Manitoba	October 25, 1982	An Act to Amend The Queen's Bench Act and to repeal The County Courts Act, The Surrogate Courts Act and The County Court Judges' Criminal Courts Act and to amend The Municipal Boundaries Act, S.M. 1982-83-84, c. 82 The Court of Queen's Bench Small Claims Practices Act, S.M. 1982-83-84, c. 83 The Court of Queen's Bench Surrogate Practice Act, S.M. 1982-83-84, c. 84 An Act to amend Various Acts of the Legislature to facilitate the Reorganization and Expansion of the Court of Queen's Bench, S.M. 1982-83-84, c. 85
#53	The Law of Domicile	December 1, 1982	The Domicile and Habitual Residence Act, S.M. 1982-83-84, c. 80
#54	Certificates of Lis Pendens	February 1, 1983	The Court of Queen's Bench Act, S.M. 1988-89, c. 4 (s. 58)
#55	Structure of the Courts, Part II: The Adjudication of Smaller Claims	March 7, 1983	The Statute Law Amendment Act (1985), S.M. 1985, c. 51
	Twelfth Annual Report	April 11, 1983	(not applicable)
#56	Medical Privilege	October 4, 1983	(privilege not recommended)
#57	Uniform Sale of Goods Act	November 1, 1983	-
	Thirteenth Annual Report	April 2, 1984	(not applicable)
#58	Administrative Law; Part I: Procedures of Provincial Government Agencies	June 29, 1984	(legislative amendment not required); implementation, in part, through governmental policy
#59	Breach of Promise to Marry	October 1, 1984	The Family Law Amendment Act, S.M. 1987, c. 21
#60	An Examination of The Dower Act	November 19, 1984	The Homesteads, Marital Property Amendment and Consequential Amendments Act, S.M. 1992, c. 46

Report #	Title	Date	Implementation of Commission's Recommendations
#61	Intestate Succession	March 25, 1985	The Intestate Succession and Consequential Amendments Act, S.M. 1989-90, c. 43
14A	Jactitation of Marriage	October 5, 1984	The Family Law Amendment Act, S.M. 1987, c. 21
	Fourteenth Annual Report	April 2, 1985	(not applicable)
#62	Small Projects 1) Section 6 of The Mercantile Law Amendment Act 2) The Rule in Shelley's Case 3) Permissive and Equitable Waste	October 7, 1985	The Law Reform (Miscellaneous Amendments) Act, S.M. 1992, c. 32
#63	The Testators Family Maintenance Act	December 16, 1985	The Dependants Relief Act, S.M. 1989-90, c. 42
#64	The Married Women's Property Act and Related Matters	December 16, 1985	-
#65	Section 83 of The Queen's Bench Act	March 31, 1986	The Statute Law Amendment Act (1986), S.M. 1986-87, c. 19 (s. 12)
#66	The Human Tissue Act	March 31, 1986	The Human Tissue Act, S.M. 1987, c. 39; The Human Tissue Amendment Act, S.M. 1989-90, c. 28 An Act to Amend The Anatomy Act, S.M. 1987, c. 57
15A	Section 300 of The Liquor Control Act	June 17, 1985	The Law Reform (Miscellaneous Amendments) Act, S.M. 1992, c. 32
	Fifteenth Annual Report	May 6, 1986	(not applicable)
#67	Sections 33 and 34 of The Wills Act	June 16, 1986	The Statute Law Amendment Act (1987), S.M. 1987-88, c. 66 (s. 25); The Wills Amendment Act, S.M. 1989-90, c. 44
#68	Periodic Payment of Damages	March 31, 1987	The Court of Queen's Bench and Consequential Amendments Act, S.M. 1993, c. 19
#69	Administrative Law, Part II: Judicial Review of Administrative Action	March 31, 1987	-
	Sixteenth Annual Report	April 13, 1987	(not applicable)

Report #	Title	Date	Implementation of Commission's Recommendations
17A	The Wages Recovery Act	September 9, 1987	The Law Reform (Miscellaneous Amendments) Act, S.M. 1992, c. 32
	Seventeenth Annual Report	September 14, 1988	(not applicable)
#70	The Manitoba Law Reform Commission: A Framework for the Future	November 23, 1988	The Law Reform Commission Act, S.M. 1989-90, c. 25
#71	The Bulk Sales Act	December 21, 1988	The Law Reform (Miscellaneous Amendments) Act, S.M. 1992, c. 32
	Eighteenth Annual Report	August 8, 1989	(not applicable)
#72	The Independence of Provincial Judges	June 28, 1989	The Provincial Court Amendment Act, S.M. 1989-90, c. 34; The Provincial Court Amendment Act, S.M. 1994, c. 14
	Nineteenth Annual Report	May 15, 1990	(not applicable)
#73	Statutory Designations and The Retirement Plan Beneficiaries Act	October 23, 1990	The Retirement Plan Beneficiaries Act, S.M. 1992, c. 31
20A	Limitation of Actions Brought by the Crown	September 27, 1990	-
20B	Replevin and the Need for Prior Possession	January 28, 1991	(change not recommended)
	Twentieth Annual Report	March 31, 1991	(not applicable)
#74	Self-Determination in Health Care (Living Wills and Health Care Proxies)	June 25, 1991	The Health Care Directives and Consequential Amendments Act, S.M. 1992, c. 33
#75	The Independence of Justices of the Peace and Magistrates	August 15, 1991	-
#76	Sterilization and Legal Incompetence	January 27, 1992	(change not recommended)
	Twenty-first Annual Report	March 31, 1992	(not applicable)
#77	Non-charitable Purpose Trusts	September 21, 1992	-
#78	Tort Liability for Animals	November 23, 1992	The Animal Liability and Consequential Amendment Act, S.M. 1998, c. 8
#79	Ethical Investments by Trustees	January 25, 1993	The Trustee Amendment Act, S.M. 1995, c. 14

Report #	Title	Date	Implementation of Commission's Recommendations
22A	Scope of Apportionment under The Tortfeasors and Contributory Negligence Act	June 22, 1992	-
22B	Section 23 of The Wills Act Revisited	December 14, 1992	The Wills Amendment Act, S.M. 1995, c. 12
	Twenty-second Annual Report	March 31, 1993	(not applicable)
#80	Privity of Contract	October 5, 1993	-
#81	Distress for Rent in Commercial Tenancies	January 4, 1994	-
#82	Pre-contractual Misstatements	March 7, 1994	-
#83	Enduring and Springing Powers of Attorney	March 29, 1994	The Powers of Attorney and Mental Health Amendment Act, S.M. 1996, c. 62
	Twenty-third Annual Report	March 31, 1994	(not applicable)
#84	Regulating Professions and Occupations	October 28, 1994	Partly implemented, in principle, by amendments to various Acts of the Legislature
#85	Arbitration	November 28, 1994	The Arbitration and Consequential Amendments Act, S.M. 1997, c. 4
#86	Covenants in Commercial Tenancies	March 28, 1995	-
24A	A Small Discrepancy between The Elections Act and The Local Authorities Election Act	April 26, 1994	-
24B	Lapsed Residual Gifts in Wills	May 16, 1994	(no longer required due to *Re Smith and McKay* (1994), 116 D.L.R. (4th) 308 (Man. C.A.))
24C	Security for the Administration of Estates	October 6, 1994	-
	Twenty-fourth Annual Report	March 31, 1995	(not applicable)
#87	Interim Payment of Damages	June 6, 1995	-
#88	Reselling Unused Cemetery Plots	September 21, 1995	-
#89	The Trust Provisions in The Perpetuities and Accumulations Act	September 21, 1995	-
#90	Residential Exemptions from Judgment Execution	October 17, 1995	-

Report #	Title	Date	Implementation of Commission's Recommendations
#91	Minors' Consent to Health Care	December 12, 1995	-
#92	Fundamental Breach and Frustration in Commercial Tenancies	January 23, 1996	-
#93	Animal Protection	February 13, 1996	The Animal Care Act, S.M. 1996, c. 69
	Twenty-fifth Annual Report	March 31, 1996	(not applicable)
#94	Confidentiality of Mediation Proceedings	April 23, 1996	-
#95	Commercial Tenancies: Miscellaneous Issues	July 29, 1996	-
#96	Special Constables	November 12, 1996	Implemented, in part, through administrative action of the Department of Justice's Law Enforcement Services
#97	Section 270 of The Highway Traffic Act	March 24, 1997	-
#98	Stalking	May 28, 1997	The Domestic Violence and Stalking Prevention, Protection and Compensation and Consequential Amendment Act, S.M. 1998, c. 41
	Twenty-sixth Annual Report	June 30, 1997	(not applicable)
#99	Review of the Small Claims Court	March 17, 1998	The Court of Queen's Bench Small Claims Practices Amendment and Parental Responsibility Amendment Act, S.M. 1999, c. 22
	Twenty-seventh Annual Report	March 31, 1998	(not applicable)
#100	Class Proceedings	January 1999	-
	Twenty-eighth Annual Report	March 31, 1999	(not applicable)
101	Trustee Investments: The Modern Portfolio Theory	June 1999	-
102	Informal Assessment of Competence	September 1999	-
103	Adult Protection and Elder Abuse	December 1999	-

Report #	Title	Date	Implementation of Commission's Recommendations
	Twenty-ninth Annual Report	March 31, 2000	(not applicable)
104	Compensation of Vaccine-Damaged Children	June 2000	-
105	Assessment of Damages under *The Fatal Accidents Act* for the loss of Guidance, Care and Companionship	October 2000	-
106	The Legislative Assembly and Conflict of Interest	December 2000	-
	Thirtieth Annual Report	March 31, 2001	(not applicable)
	Thirty-first Annual Report	March 31, 2002	(not applicable)